

ARDENFORENSICS

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6 October 2016

Cynthia H. Speetjens, Esq.
2088 Main Street, Suite A
Madison, MS 39110

Summary of Opinions
Re: Forensic Evaluation of the Death of Christian Andreacchio

Dear Ms. Speetjens:

Introduction

You have asked me to review materials and to provide consultation in the field of forensic pathology, which I have practiced for more than thirty years. After receiving my MD degree from the University of Michigan in 1980, I completed training in anatomic pathology at the New York University Medical Center (1980-1983) and in forensic pathology at the Office of the Chief Medical Examiner for the State of Maryland (1983-1984). I have been certified in both anatomic and forensic pathology by the American Board of Pathology since 1985. I am currently licensed to practice medicine in five states. I spent most of my career as a government-employed medical examiner, including nine years with the Office of Chief Medical Examiner for the City of New York where I finished as First Deputy Chief Medical Examiner, and more than five years as the Chief Medical Examiner of Washington, DC. I am currently President of Arden Forensics, PC, a consulting practice in forensic pathology and medicine, and I hold a part-time appointment as a Forensic Pathologist in the Office of the Chief Medical Examiner for the State of West Virginia.

I have testified as an expert witness in various state and federal courts, as well as in grand juries and depositions, a total of more than 900 times. My fees are not contingent upon the outcome of any case in which I consult.

Materials Reviewed

I have reviewed the following materials regarding the death of Christian Andreacchio:

- Reports from the Meridian Police Department;
- Autopsy Report, with Toxicology Report and Coroner's Report, for Christian Andreacchio;
- Autopsy photographs of Christian Andreacchio;
- Death Certificate for Christian Andreacchio;
- Death scene photographs, including evidence photographs; and
- Knox and Associates presentation regarding Forensic Analysis and Reconstruction.

I have also relied upon my education, training and experience as a physician, forensic pathologist and a medical examiner.

Brief Case Synopsis

This consultation regards a forensic analysis of the death of Christian Andreacchio, who was a 21 year old man found dead from a gunshot wound to the head in the bathroom of his apartment on 2/26/2014. I shall briefly summarize the most pertinent points that support the opinions listed below, but this is not intended to be a recounting of every piece of evidence that was reviewed or relevant. Mr. Andreacchio was found slumped forward over the side of the bathtub, with his arms outside the tub, and a pistol wedged between his left thigh and the outside of the tub. He had a perforating gunshot wound to the head, with the expended cartridge casing and the projectile both in the blood collected in the bottom of the tub. His body had well-developed rigor mortis (i.e., the postmortem stiffening of the muscles) and he had livor mortis (i.e., the postmortem settling of blood due to gravity) on (among other places) the back of his right leg. An apparent bullet strike was in the wall behind him, adjacent to an electrical outlet over the sink and vanity. When the semi-automatic pistol was recovered, the hammer was decocked.

The autopsy by the MS State Medical Examiner's Office demonstrated that Mr. Andreacchio had a contact gunshot wound to his right temporal area. The bullet passed through his head and brain, and exited on the left side of his head. Blood was found in the major airways of his lungs. The cause of death was determined to be the gunshot wound to the head. The forensic pathologist who performed the autopsy opined that the manner of death was suicide, but the Coroner certified the manner of death as undetermined.

The Knox and Associates analysis noted various inconsistencies with the conclusion that Mr. Andreacchio had shot himself, including, but not limited to: the positioning of the gun; that the gun was decocked when found (but should have recocked itself after firing the shot that killed him); the bullet strike in the opposite wall; and that later chemical testing showed evidence of blood spatter on the opposite side of the bathroom.

Summary of Opinions

The death scene was staged:

The position of the gun between his left thigh and the outside of the tub is inconsistent with him having shot himself in the right temple. After shooting himself through the brain, he would have lost consciousness and purposeful motor activity immediately, so the gun would have dropped to his right side (and probably into the tub); he would not have been capable of wedging it between his thigh and the tub, much less on the opposite side of his body. Some other person had to place the gun where it was found after Mr. Andreacchio either collapsed or was placed into that position.

A staged death scene by itself is highly suggestive of, and suspicious for, a homicidal death.

The gunshot wound itself does not differentiate suicide from homicide:

Mr. Andreacchio had a tight-contact gunshot wound to his right temple. Although this is a classic scenario for a suicidal gunshot wound, the nature and features of that wound cannot distinguish whether he shot himself or another person put the gun to his head and fired it.

Rather, the totality of the forensic evidence and circumstances controls the determination of the manner of death.¹

The forensic evidence indicates that the time of death was much earlier than reported:

The photographs from the scene and from the morgue strongly suggest that Mr. Andreacchio was in well-developed rigor mortis at the scene. The time to develop strong rigor mortis varies, but typically requires at least several hours (and is consistent with a significantly longer interval, on the order of 4 – 12 hours). The morgue photographs indicate that he was transported in the body bag in essentially the same position he was found, namely bent at the waist and at the knees, face-down. The photographs also demonstrate that he had fixed livor mortis on the back of his right leg, especially on the calf, which is totally inconsistent with his positioning at the scene, in which his right calf was facing up, so blood should have drained away from that area by gravity. The time for fixation of livor mortis is highly variable, but is on the order of hours. He had to have been positioned with his right calf facing down for some period of time for livor mortis to appear and then fix on that surface. In addition to indicating that his death occurred much earlier, this shows that his body had been moved.

Therefore, his time of death was much earlier than the 911 call, calling into question the account given by the people who made that call.

The ballistics evidence is inconsistent with him having shot himself there:

Had Mr. Andreacchio shot himself while kneeling at or over the tub, the bullet would have continued to travel to his left after exiting his head, and thus would have struck the wall or inside of the tub to his left, but no such bullet strike was found. (Note that a bullet strike in the wall above the sink/vanity was found, demonstrating that a bullet would have had sufficient force to damage the wall or tub after exiting his head.) In addition, for the projectile to have struck the wall behind him and still end up in the tub, that bullet would have to ricochet multiple times around the room, which in addition to being unlikely and unsupported by any evidence, still would not explain the bullet strike in the wall by the sink.

(I note that the Knox and Associates presentation also addressed various ballistics issues that are inconsistent with him having shot himself at that location and in that position, including the bullet strike in the wall by the sink, the presence of foreign material in the nose of the deformed bullet, and the evidence indicative of blood spatter on the opposite side of the bathroom. They also raised the issue of the gun having been found decocked, which further suggests that another party had manipulated the gun after Mr. Andreacchio was shot, i.e., that the scene was staged.)

The Coroner certified the manner of death as undetermined:

Despite the conclusions reached very rapidly by law enforcement that this death was a suicide, and despite the manner of death opinion expressed by the forensic pathologist, I particularly take note that the Coroner, who had the statutory responsibility and authority to rule on the manner of death, certified it as undetermined. An undetermined manner of death indicates either that there is insufficient evidence on which to base a conclusion on the manner of death, or that there is substantial doubt as to which manner of death is most likely.

¹ In fact, the manner of death is, by definition, the circumstantial explanation for how the cause of death occurred, so by its very nature it is highly dependent on investigation, i.e., the circumstances, moreso than on the medical examination of the decedent.

The Coroner clearly was not convinced to a reasonable medical or forensic certainty, i.e., to the reasonable exclusion of the other choices, that this death was a suicide. His uncertainty should give law enforcement and the prosecutor ample justification and incentive to investigate this death much more thoroughly.

My opinion regarding the manner of death of Mr. Andreacchio:

In consideration of:

- All of the inconsistencies regarding the gunshot wound having been self-inflicted in that location and position;
- The discrepancy between the reporting of his death and the evidence indicating that his time of death was much earlier; and
- The clearly staged death scene;

It is my opinion that the manner of death of Mr. Andreacchio is homicide, and should be so certified.

All opinions are expressed with reasonable medical certainty. I reserve the right to amend any statements or opinions if presented with additional significant information, as well as the right to rebut opinions expressed within my areas of expertise.

Yours truly,
Arden Forensics, PC



By: Jonathan L. Arden, MD
President



Knox & Associates, LLC

Firearms, Ballistics & Shooting Incident Reconstruction *We Bring Truth to Light*

Forensic Analysis & Reconstruction

Equivocal Death Analysis: Death of Christian Andreacchio

Michael A. Knox

Board Certified Crime Scene Reconstructionist

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Crime Scene



Crime Scene Photograph 021.jpg:

On Wednesday, February 26, 2014, at approximately 4:45 p.m., officers with the Meridian Police Department were dispatched to a reported suicide at the Willow Ridge Apartments, 801 Deer Run, Meridian, Mississippi.

Officers found Christian Andreacchio in the upstairs bathroom face down with his waist resting on the side of the tub, upper torso inside the tub and the lower extremities outside the tub.



KA.Scene.0006.16.0016.Small.jpg:

This photograph shows the bathroom door (right) adjacent to the upstairs loft bedroom door (left). The bathroom is at the top of the staircase.



KA.Scene.0009.16.0016.Small.jpg:

The bathroom was located at the top of the staircase next to a loft bedroom.



KA.Scene.0021.16.0016.Small.jpg:

The location of the electrical outlet is shown in relation to the vanity.

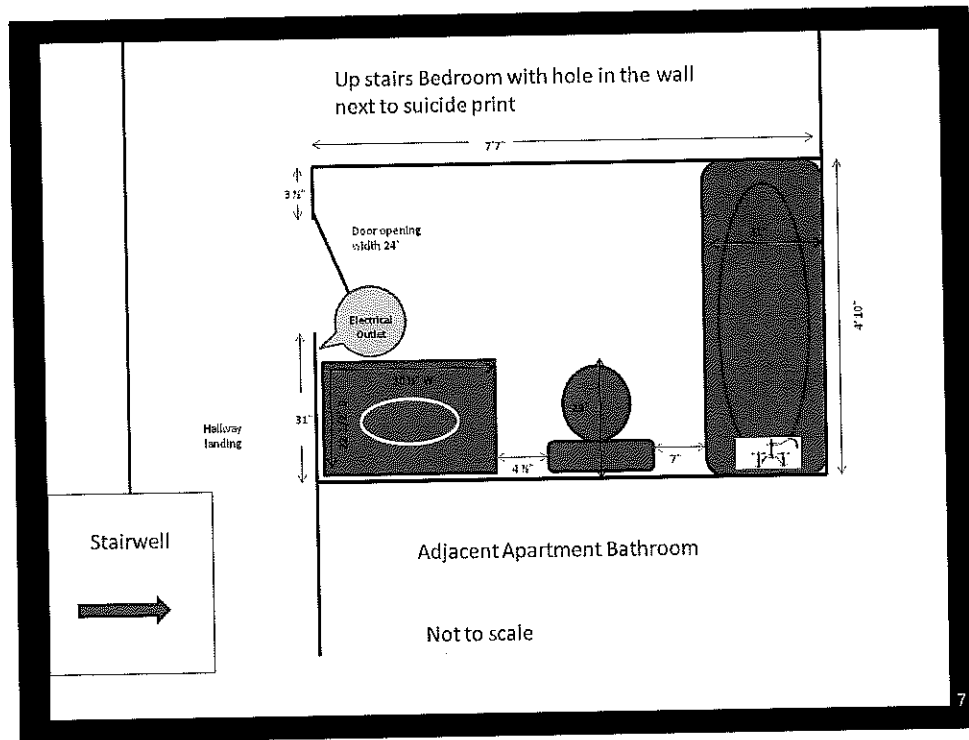


Diagram of Bathroom in Apartment 801:

Det. Bratu with the Meridian Police Department also used the exemplar bathroom to obtain the measurements of the actual bathroom.

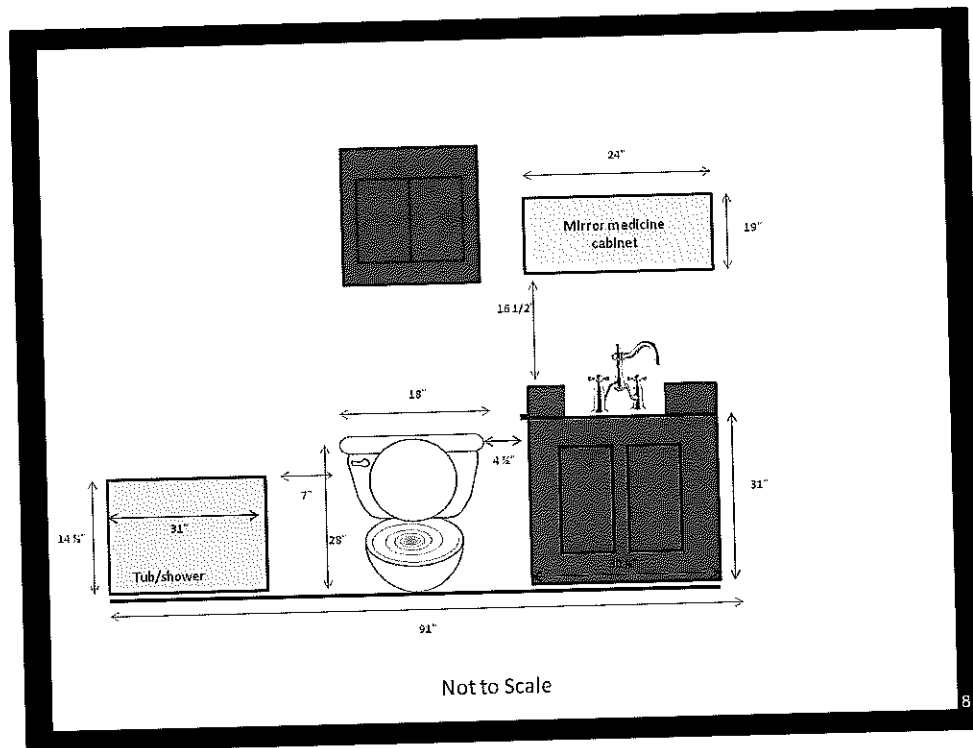


Diagram of Bathroom in Apartment 801:

This elevation view diagram depicts the heights of the bathtub, toilet, and vanity.

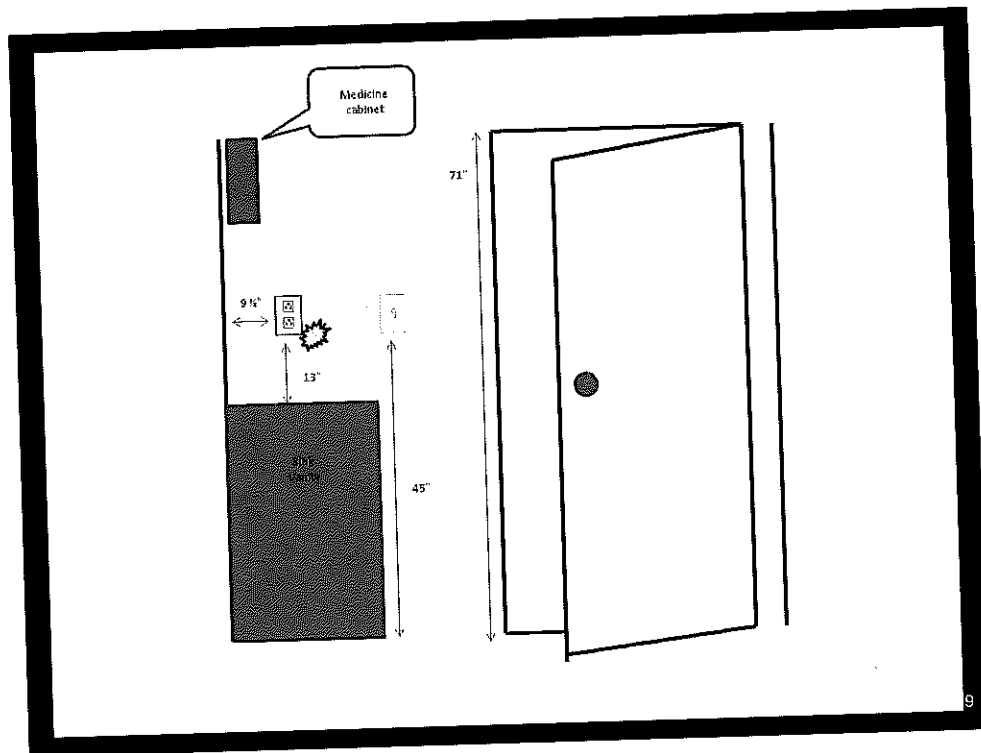


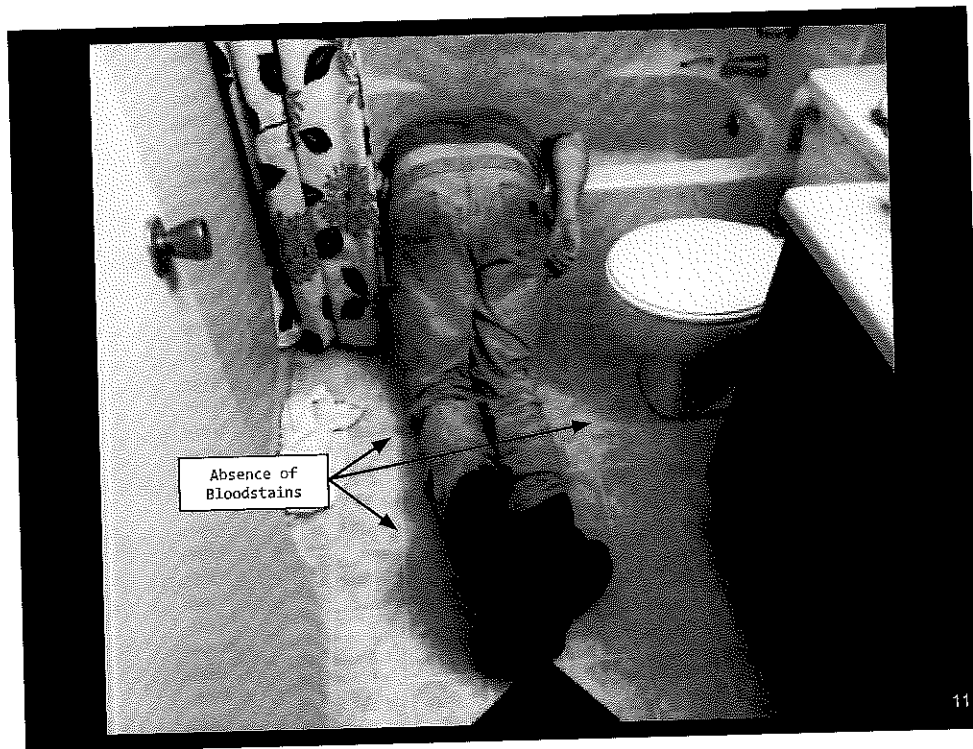
Diagram of Bathroom in Apartment 801:

An elevation view diagram depicting the location of the electrical outlet above the vanity.



PDF Copy of Crime Scene Photograph:

Christian Andreacchio was found deceased in the second floor bathroom.



PDF Copy of Crime Scene Photograph:

The upper torso of Andreacchio was found inside the bathtub with his arms parallel to the body. There were no obvious indications of bloodstain evidence on the bathroom floor or bathroom fixtures.



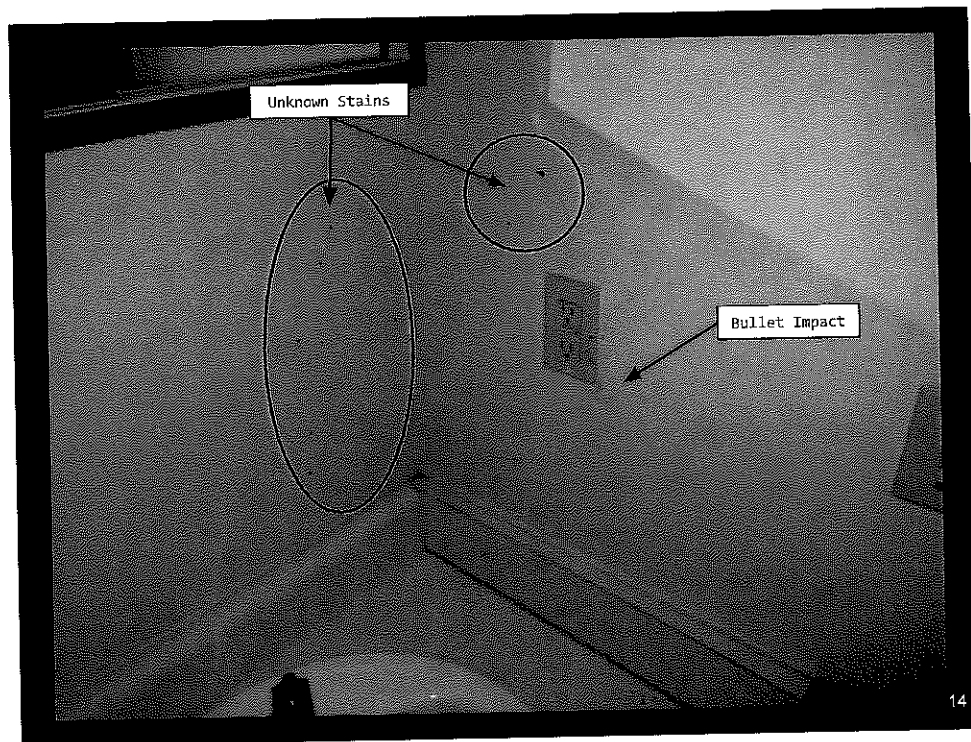
Crime Scene Photograph 010.jpg:

There were no visible bloodstains on either the bathroom floor or bathroom fixtures.



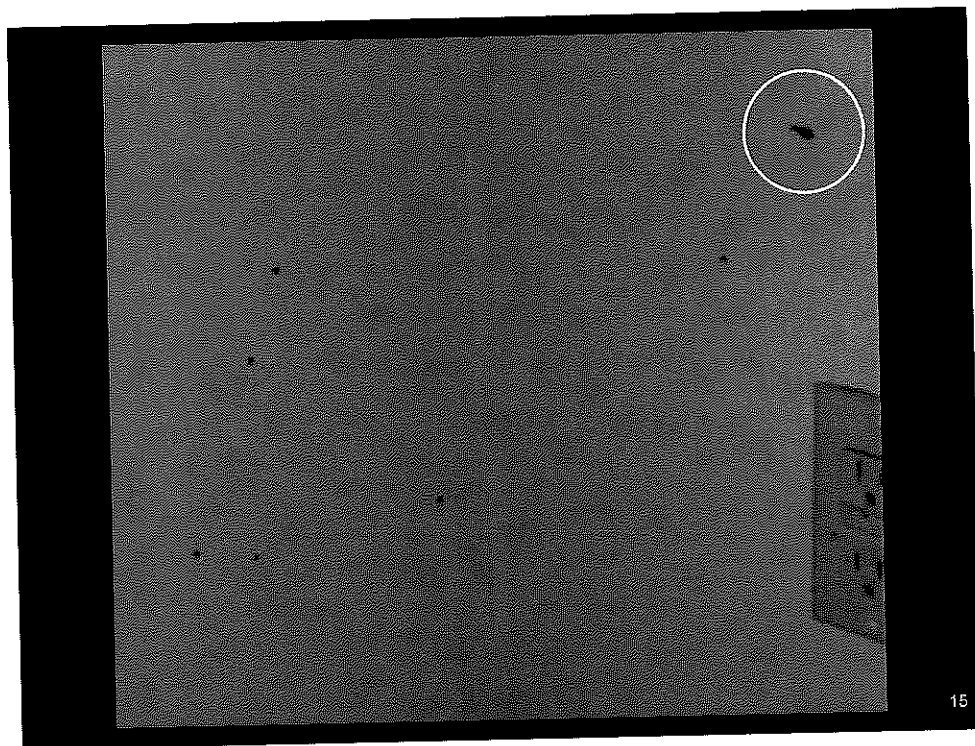
Crime Scene Photograph 023.jpg:

Andreacchio was wearing a hooded shirt.



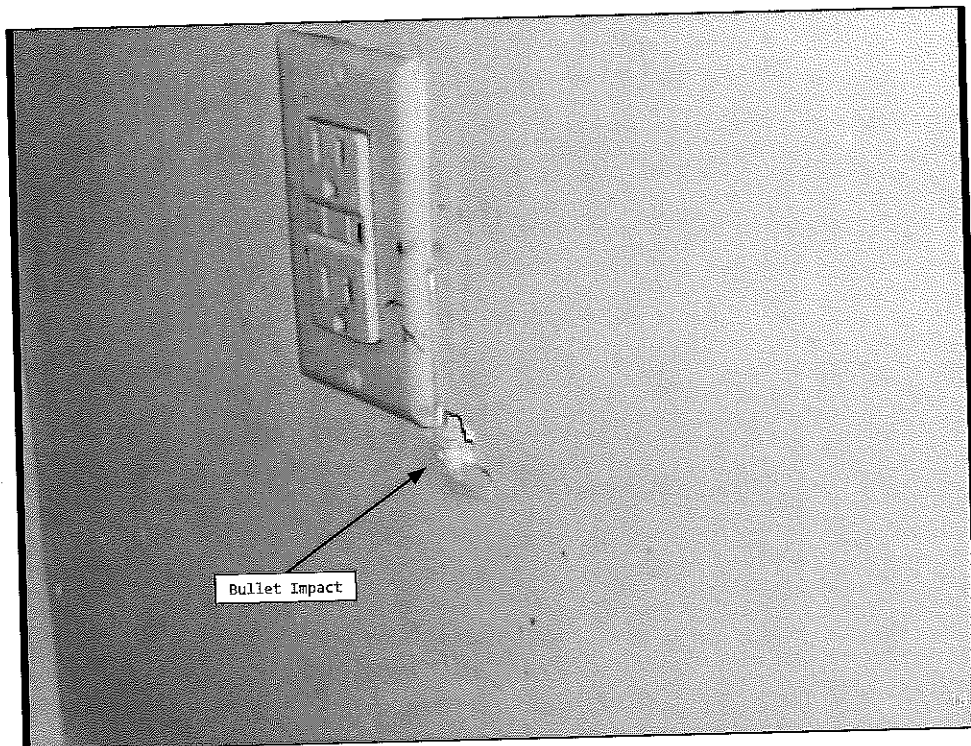
Crime Scene Photograph 3.jpg:

There was a bullet impact defect on the wall to the right side of the vanity. There were also unknown stains, consistent in appearance, size, and behavior with impact bloodstain patterns, on the wall behind the sink/vanity and to the right side of the sink.



Cropped Image of Crime Scene Photograph 3.jpg:

The unknown stains were not examined at the scene to determine direction; however, the large stain above the electrical outlet appeared to be traveling right to left with a slight upward angle when it impacted the wall, and the surrounding smaller stains appear to be close to circular, which means that they impact nearly perpendicularly to the wall. It is apparent from the photograph that the source of the blood was in close proximity to the electrical receptacle at the time that the blood was deposited. However, without an on-scene analysis to determine impact angles and locate the area of origin, location of the blood source can only be known generally.



Crime Scene Photograph 011.jpg:

There was a bullet impact defect on the wall to the right of the sink and next to the electrical outlet.



Crime Scene Photograph 13.jpg:

This blurry photograph appears to depict the projectile in the blood inside the bathtub.

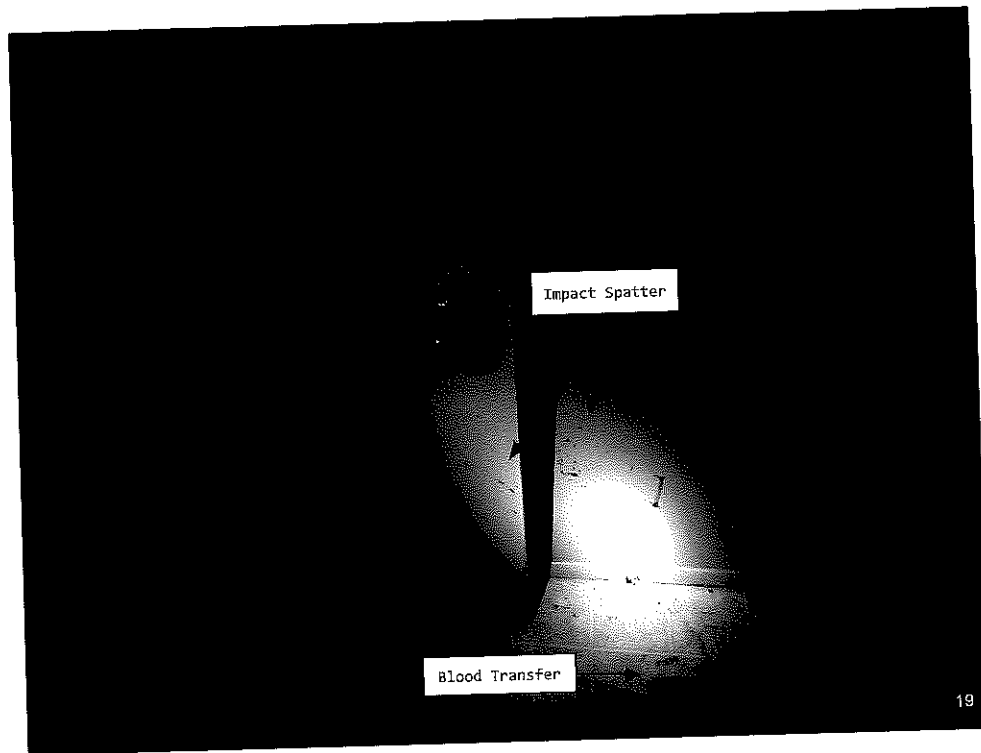


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Crime Scene Photograph 5 (1).jpg:

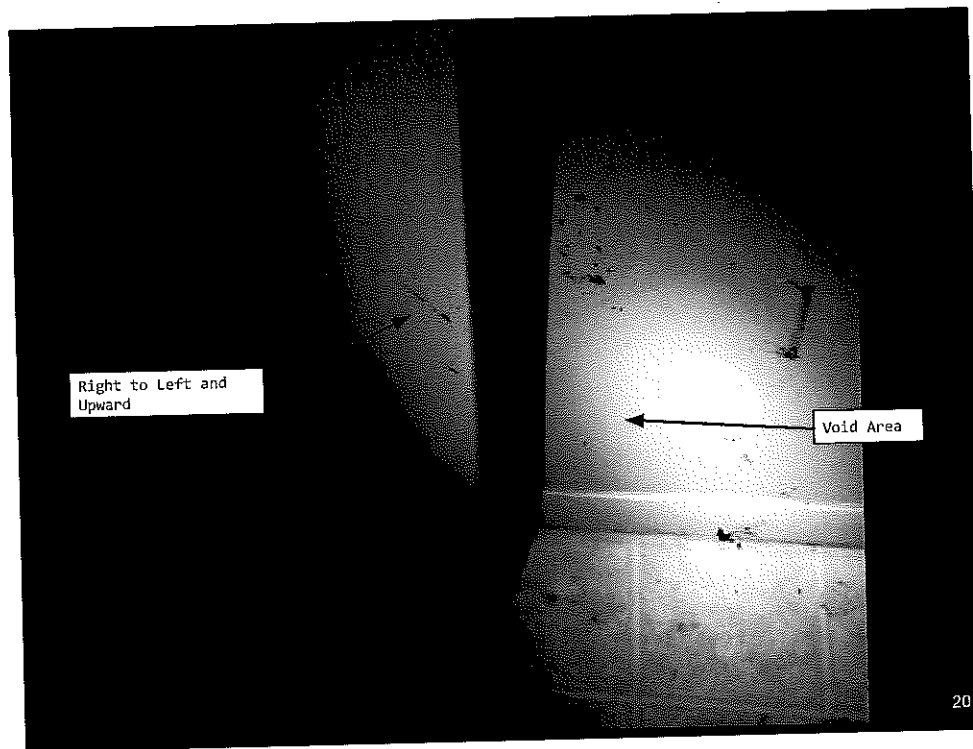
There were bloodstains on the exterior side of the bathroom door and the wall behind the door. The transfer stains on the bathroom floor were not present when police first arrived. They appear to have been created when the body was removed from the bathroom.

Dylan Swearingen, a friend of Andreacchio, told police he came back from Best Buy and did not see Andreacchio, so he went upstairs. Swearingen wrote that he “noticed the bathroom light was on so [Swearingen] figured [Andreacchio] was taking a shower. Swearingen knocked and asked, “Are you alright?” (Written Statement of Dylan Swearingen, p. 3). Swearingen did not receive a response so he left. He went back to the bathroom a short time later, knocked again, but did not receive an answer, so he opened the door and saw Andreacchio “laying face down across the tub” (Written Statement of Dylan Swearingen, p. 3).



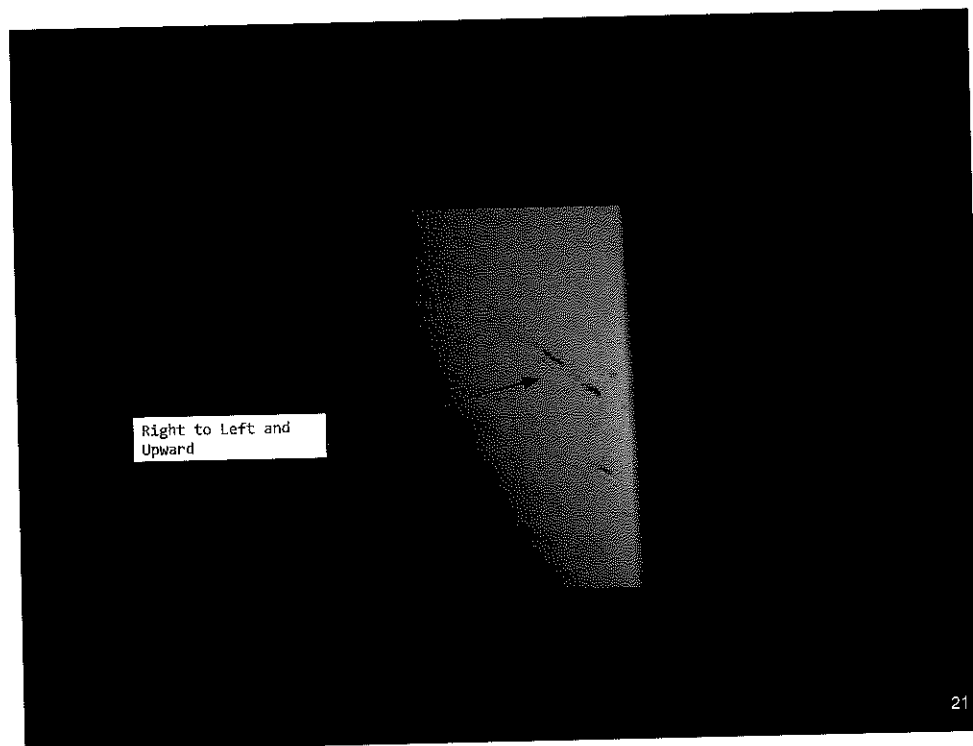
Crime Scene Photograph 1 (2).jpg:

There was what appeared to be impact blood spatter on the bottom, exterior side of the bathroom door. There was also blood spatter on the wall behind the bathroom door.



Cropped Image of Crime Scene Photograph 1 (2).jpg:

The impact spatter on the bottom of the bathroom door was traveling right to left and upward. There was also impact spatter on the wall behind the door. There was an area void of blood on the wall. The bathroom door was open at the time the blood was deposited.



Cropped Image of Crime Scene Photograph 1 (2).jpg:

The impact spatter on the bottom of the bathroom door was traveling right to left and upward.



Crime Scene Photograph 7.jpg:

This photograph documented the bathroom after Andreacchio's body had been removed. There was a large area of transfer on the floor. There were no indications from the blood on the floor that the body had been dropped to the floor that would have created impact spatter on the door or wall.



Crime Scene Photograph 2 (1).jpg:

The blood transfer on the bathroom floor did not correspond with the impact spatter on the bathroom wall.



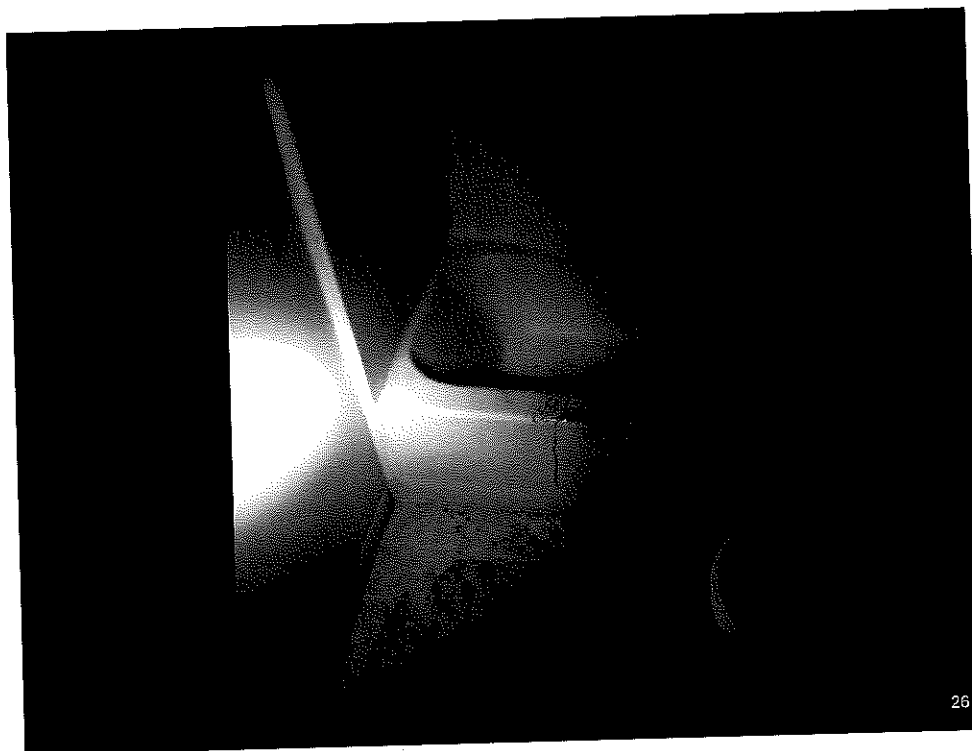
Crime Scene Photograph 13.jpg:

The bathtub after Andreacchio had been removed.



Crime Scene Photograph 2.jpg:

Dripped blood and satellite spatter was present inside the bathtub.

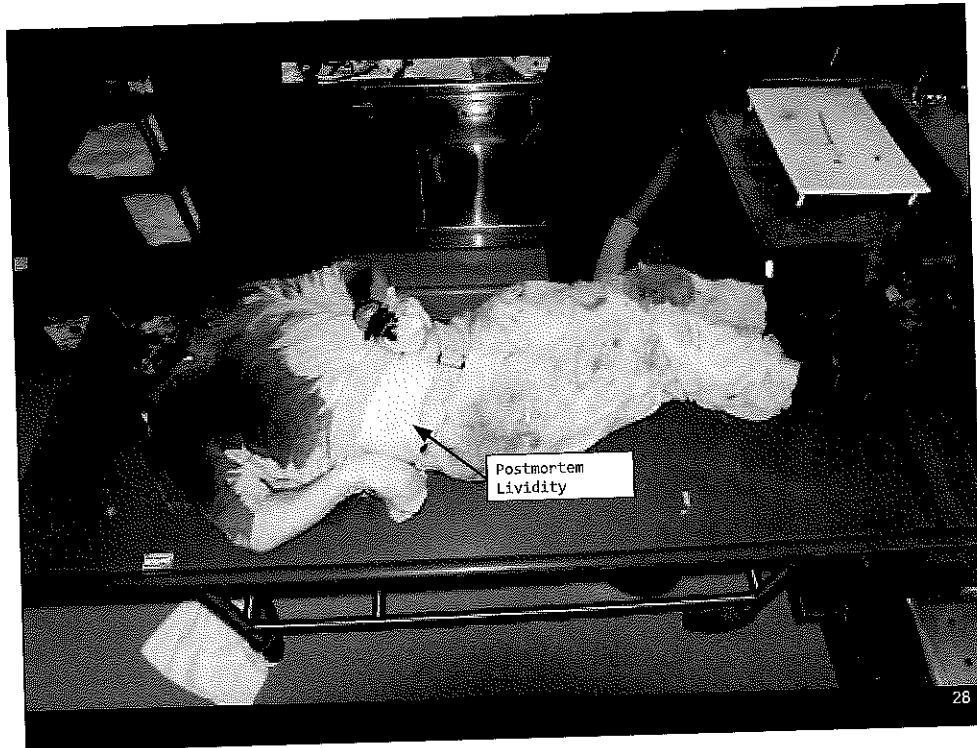


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Crime Scene Photograph 3 (2).jpg:

The transfer on the floor was created when Andreacchio's body was removed from the bathtub.

Injuries



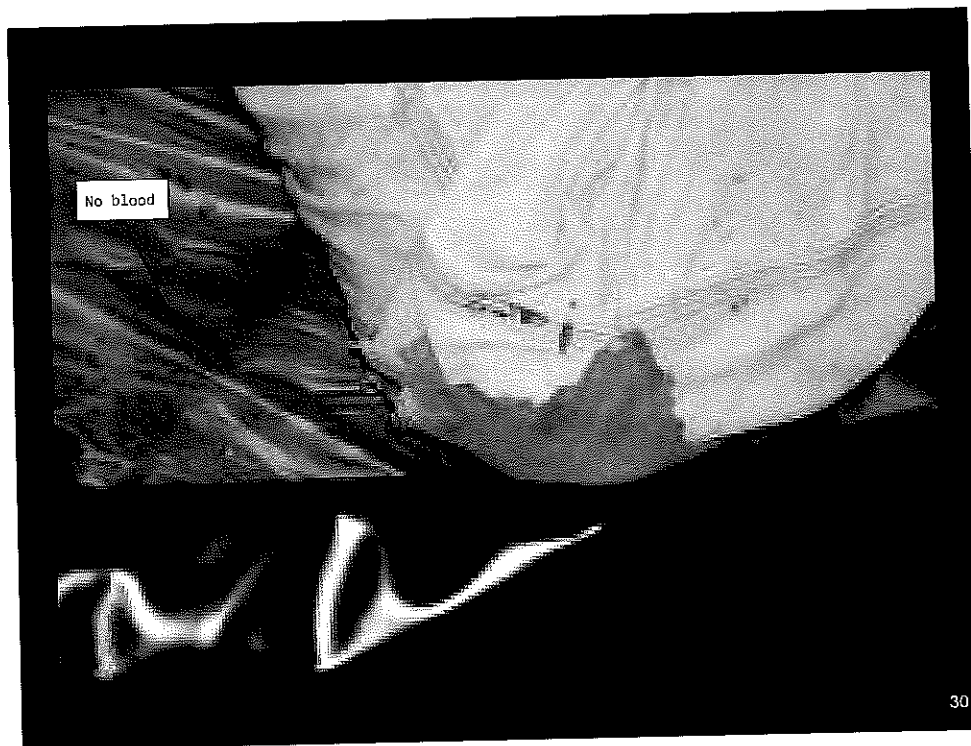
Crime Scene Photograph 14-0219 (2).jpg:

There appeared to be postmortem lividity present on the front right side, waist. The saturated blood on the blue shirt could have been created while Andreacchio was inside the body bag. The condition of the shirt was never documented immediately after removal from the bathtub.



Crime Scene Photograph 14-0219 (1).jpg:

There was what appeared to be an area of saturated blood on the left knee of Andreacchio's pants. The majority of the blood was around the head and shoulders. The area of saturation on the left knee of the pants is inconsistent with a transfer that occurred during transportation because such a transfer would violate Steno's Principle of Lateral Continuity. The blood transfer to the knee appears to have occurred by some other, unexplained mechanism.



Cropped Image of Crime Scene Photograph 14-0219 (1).jpg:

This stain indicates that the left knee was in contact with a bloody object or surface for a period of time, enough to result in saturation.



Crime Scene Photograph 14-0219 (13).jpg:

Christian Andreacchio had a gunshot entrance wound on the right side of the head about 3.25 inches below the top of the head and one inch in front of the auricle. The entrance wound was surrounded by a marginal abrasion and marginal lacerations and there was soot present on the edges of the wound (**Report of Autopsy Examination, p. 3**).



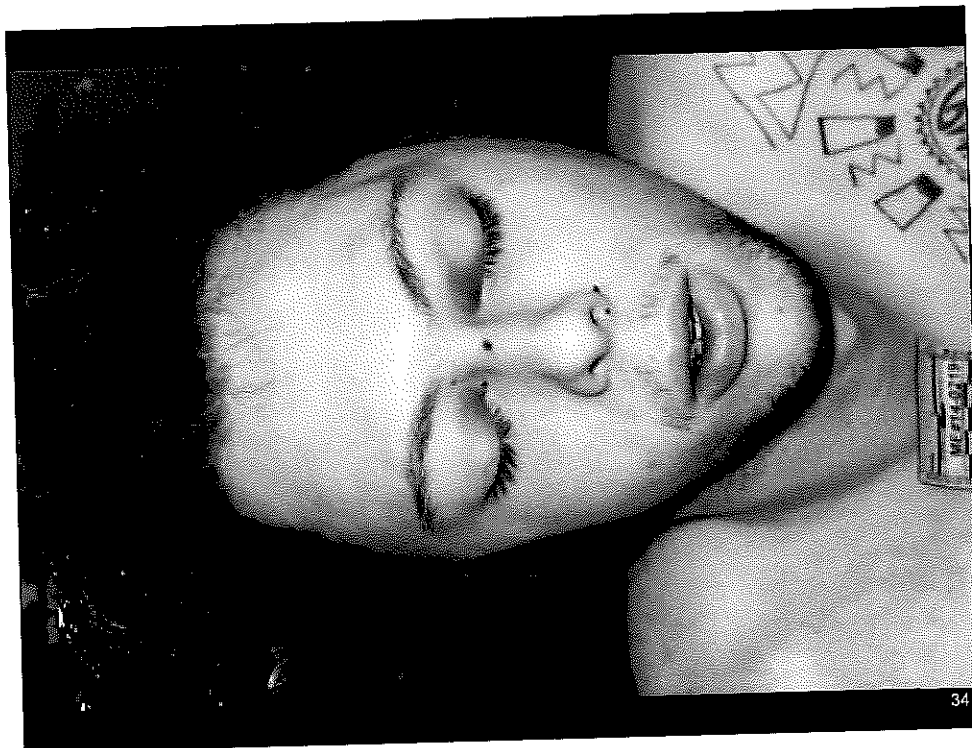
Crime Scene Photograph 14-0219 (17).jpg:

Just in front of the entrance wound there was a circular 0.25 inch in diameter abrasion with laceration. The wound track was through the soft tissue of the head, right temporal bone with soot being present on the external plate of the skull surrounding the entrance wound, the right temporal bone, the right temporal lobe, the brainstem, left temporal lobe and left temporal bone (**Report of Autopsy Examination, p. 3**).



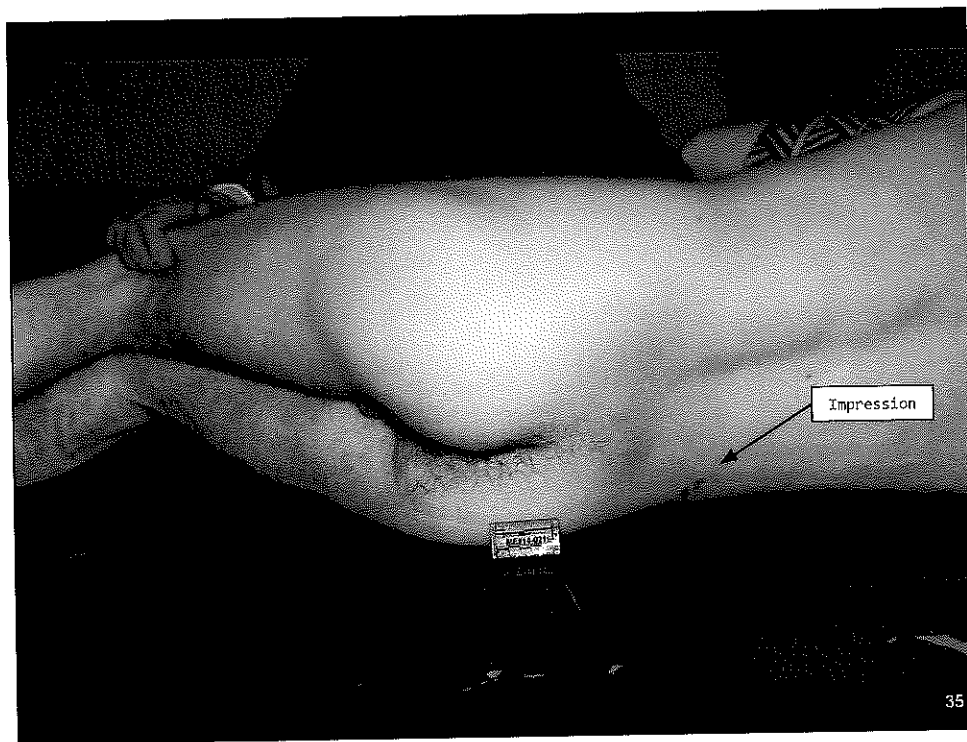
Crime Scene Photograph 14-0219 (20).jpg:

There was an irregular and stellate shaped exit wound on the left side of the head. The wound path was right to left, front to back, and without significant deviation upward or downward.



Crime Scene Photograph 14-0219 (15).jpg:

Andreacchio had an abrasion on the bridge of the nose. It cannot be determined what the other marks are on his face.



Crime Scene Photograph 14-0219 (24).jpg:

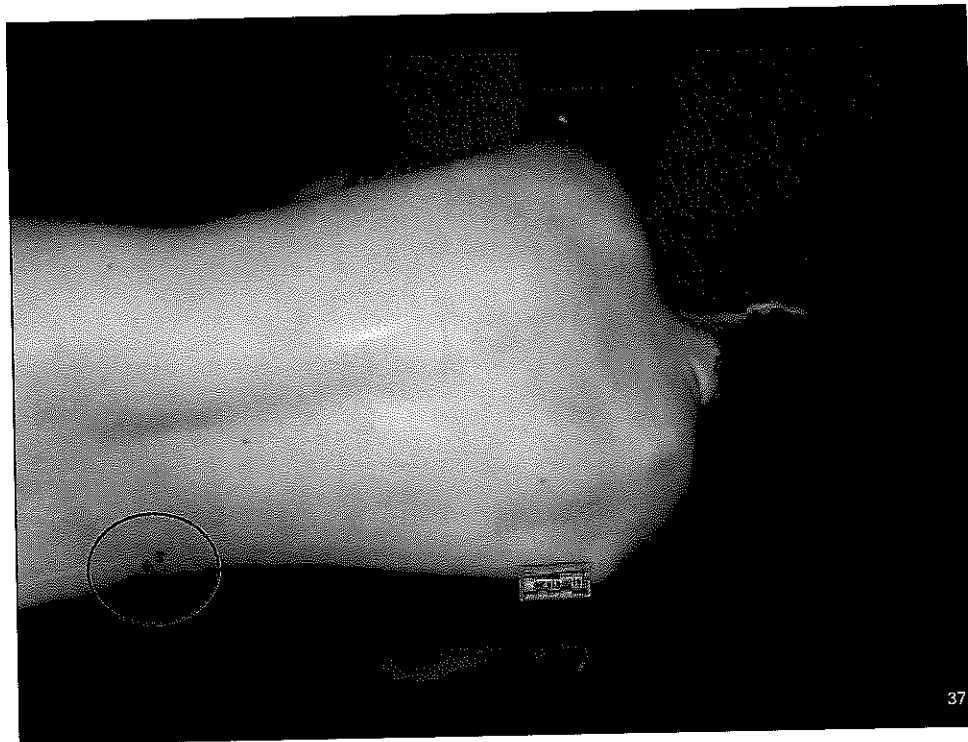
There was a bloodstain pattern transfer on the lower right back. The impression is undocumented, and no photographs of the lower back were taken at the crime scene. Therefore, it is unknown if this was a transfer from the autopsy table onto the skin or was already present and was created by some other means.



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Cropped Image of Crime Scene Photograph 14-0219 (24).jpg:

There was no description of this pattern in the autopsy report.



Crime Scene Photograph 14-0219 (23).jpg:

In addition to the pattern transfer on the back, the back also was void of postmortem lividity.



Crime Scene Photograph 14-0219 (25).jpg:

There was evidence of postmortem lividity or livor mortis on the back of the right leg. The presence and the location of the lividity was not consistent with the position in which Andreacchio's body was discovered. The lividity indicates that the body had been moved after some postmortem interval.

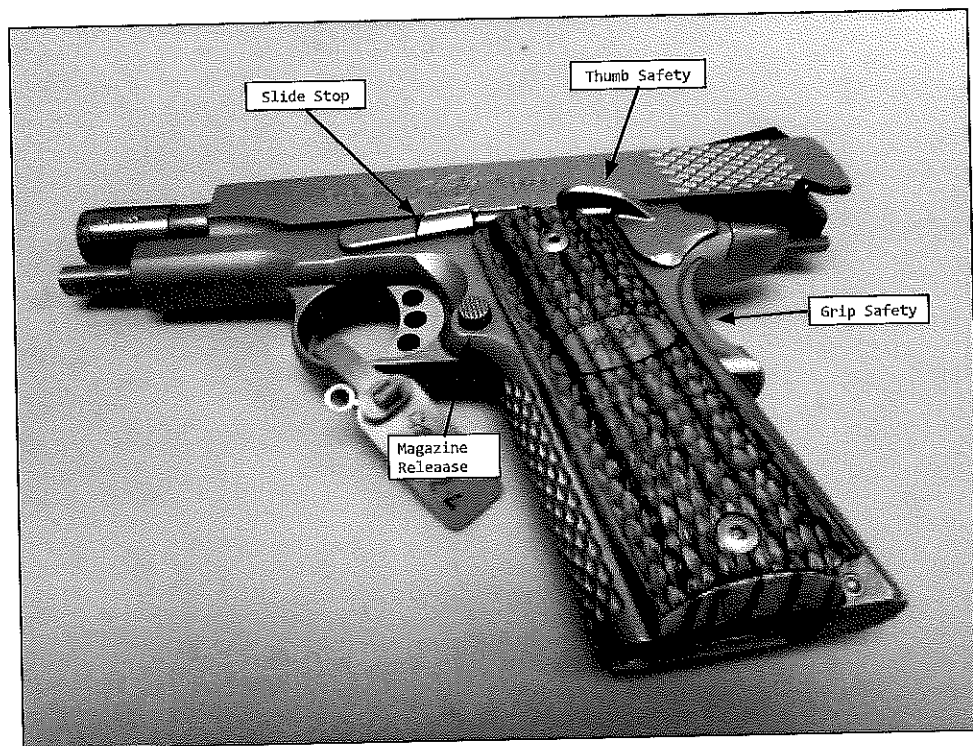
An external examination of Christian Andreacchio was conducted, and the postmortem lividity was described as "red-purple present on the right side as well as anteriorly and is fixed" (Report of Autopsy Examination, p. 2).

Location of the Pistol



Crime Scene Photograph Andreacchio 017.jpg:

A Kimber .45 ACP caliber Raptor II semi-automatic pistol bearing serial number KR136055 was found between Andreacchio's left leg and the exterior side of the bathtub. There was one live cartridge in the chamber and the magazine contained six live cartridges.



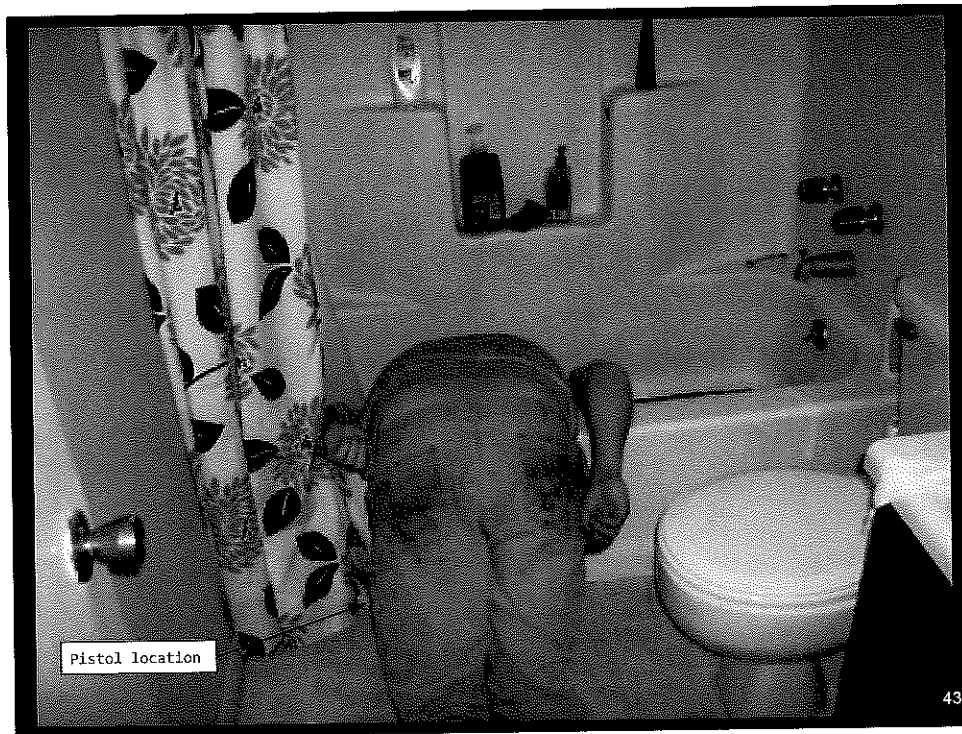
Crime Scene Photograph Andreacchio 025.jpg:

Left side of the pistol.



Crime Scene Photograph Andreacchio 029.jpg:

Back of the pistol.

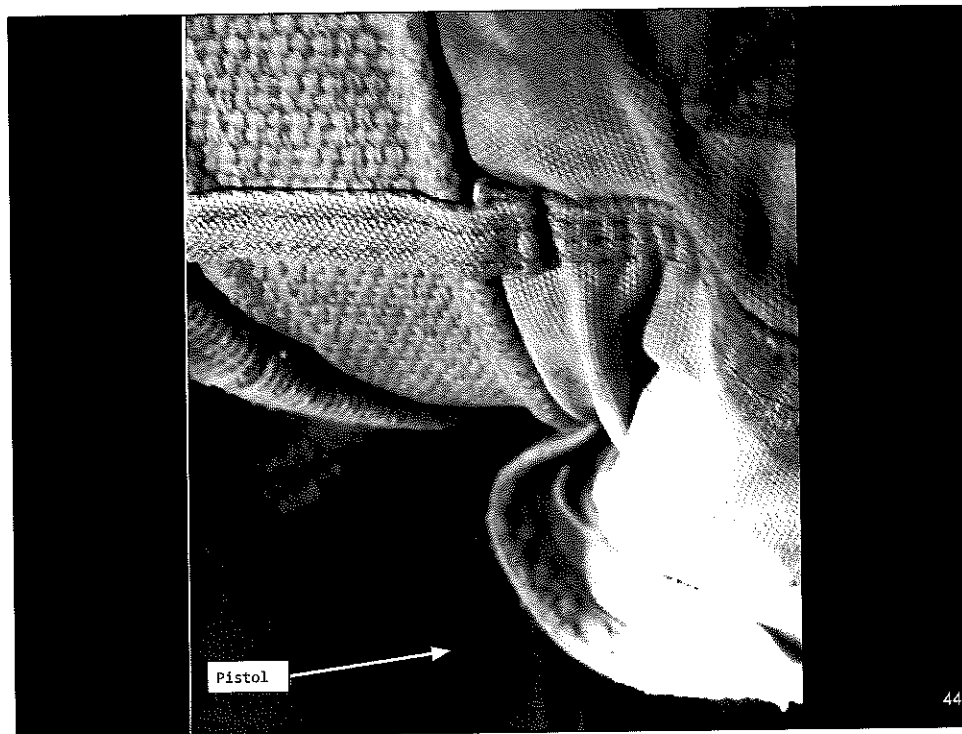


Crime Scene Photograph 010.jpg:

The pistol was found between the front of the left leg and the exterior side of the bathtub.

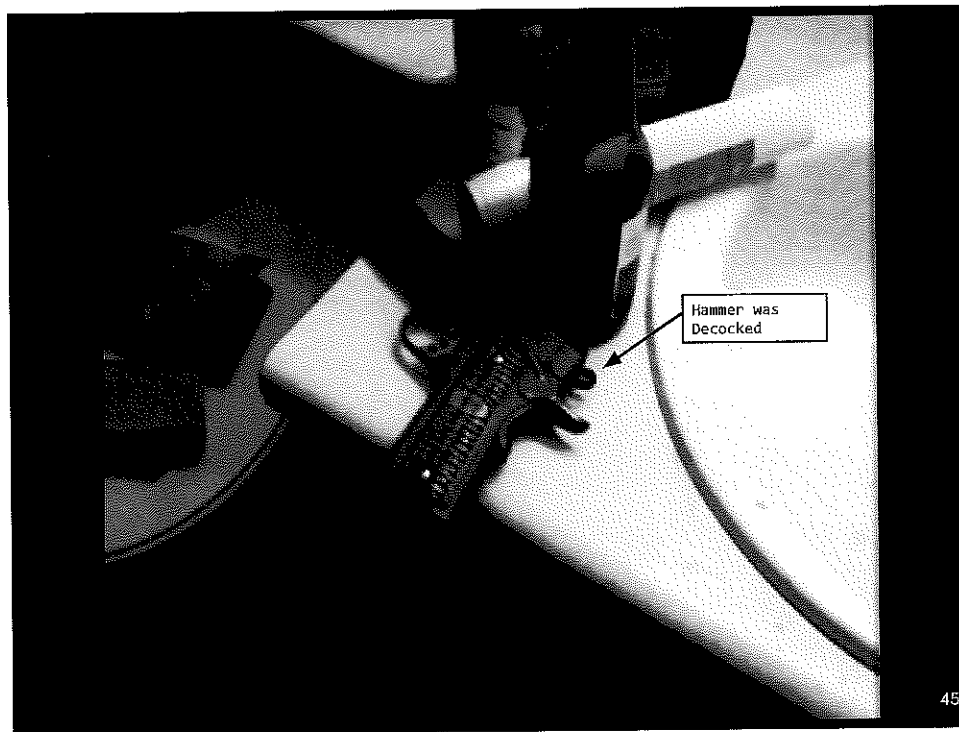
According to the police department, the pistol was found on the left side of Andreacchio between his chest and left arm which were resting on the upper edge of the bathtub and the hammer was "forward" (**MPD Narrative #28, p. 1**). An email received from Meridian Police Department Special Investigator Jerry Bratu clarified the location and the position of the pistol as follows: "The pistol was found pinned between his upper left torso and the side of the bath tub with the barrel pointing towards his upper right side, handle to the left" (**Email from Det. Bratu, April 17, 2016, p. 1**).

The above statements by investigators in their reports as to the location of the pistol appear to be incorrect. The pistol was actually located on the exterior side of the bathtub under the left hip and in front of the left leg.



PDF Copy of Crime Scene Photograph:

The position in which the pistol was found is inconsistent with a self-inflicted gunshot wound scenario because the pistol would either (1) remain in Andreacchio's right hand as he fell to the bathtub or (2) fall from his right hand prior to his body falling. In either scenario, the pistol could not end up pinned between the left side of his body and the tub. Furthermore, there exists no mechanism that would allow for the hammer to decock without firing the chambered cartridge. If the slide cycled and ejected the fired cartridge case, as it apparently did, then the hammer would have necessarily been cocked by the action of the slide. The only way to decock this type of pistol is to drop the hammer by pulling the trigger. This pistol is equipped with a firing pin safety that prohibits forward movement of the firing pin unless the safety is disengaged by rearward movement of the trigger. In the event that the hammer falls without the trigger being pulled, the firing pin safety would prevent discharge. However, the hammer would have to leave the seared position, which is extremely unlikely to occur due to a drop of a short distance as would have occurred if Andreacchio dropped the pistol after shooting himself. (In the suicide scenario, the pistol would not have dropped to a hard surface as it was pinned between the victim's body and the exterior of the bathtub. An examination of the pistol would be necessary to definitively rule out mechanical causes for the hammer to be in the decocked position.)



PDF Copy of Crime Scene Photograph:

The pistol was placed on the bathroom sink after removal from under Andreacchio's body. The hammer was not cocked. The butt of the pistol was visible between the bathtub and the deceased (**MPD Narrative #6, p. 1**). The Mississippi Bureau of Investigation told the parents of Andreacchio the position of the pistol's hammer was due to a malfunction of the pistol not reloading itself as designed (**MPD Narrative #28, p. 3**).

Swabs from the handle and magazine produced a partial DNA profile that may be a mixture; however, no further information could be obtained (**Mississippi Crime Lab, DNA Section, September 25, 2014, p. 1**).



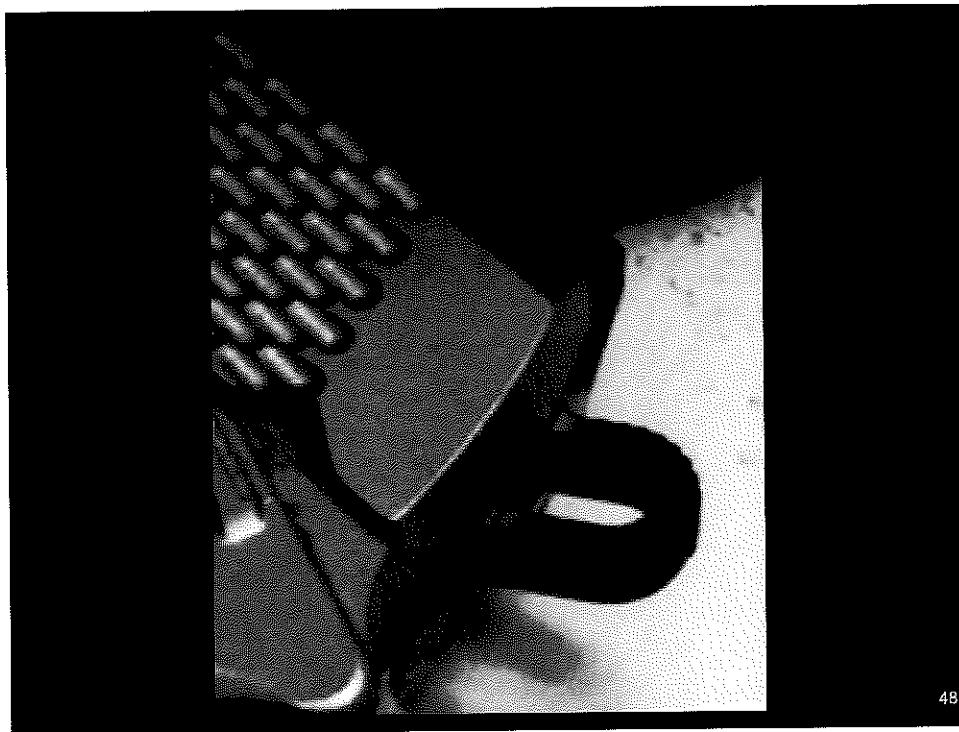
PDF Copy of Crime Scene Photograph:

On the front rim of the sink and on the front edge of the vanity were multiple unknown stains. These stains were similar in size and appearance of bloodstains. There were no photographs taken or swabs collected. If the stains were blood, the source remains unknown.



PDF Copy of Crime Scene Photograph:

Near the front left corner of the vanity there were multiple unknown stains that were consistent in appearance and size with forward spatter.



Cropped Image of PDF Copy of Crime Scene Photograph:

These stains were not photographed and collected for analysis. The source remains unknown.



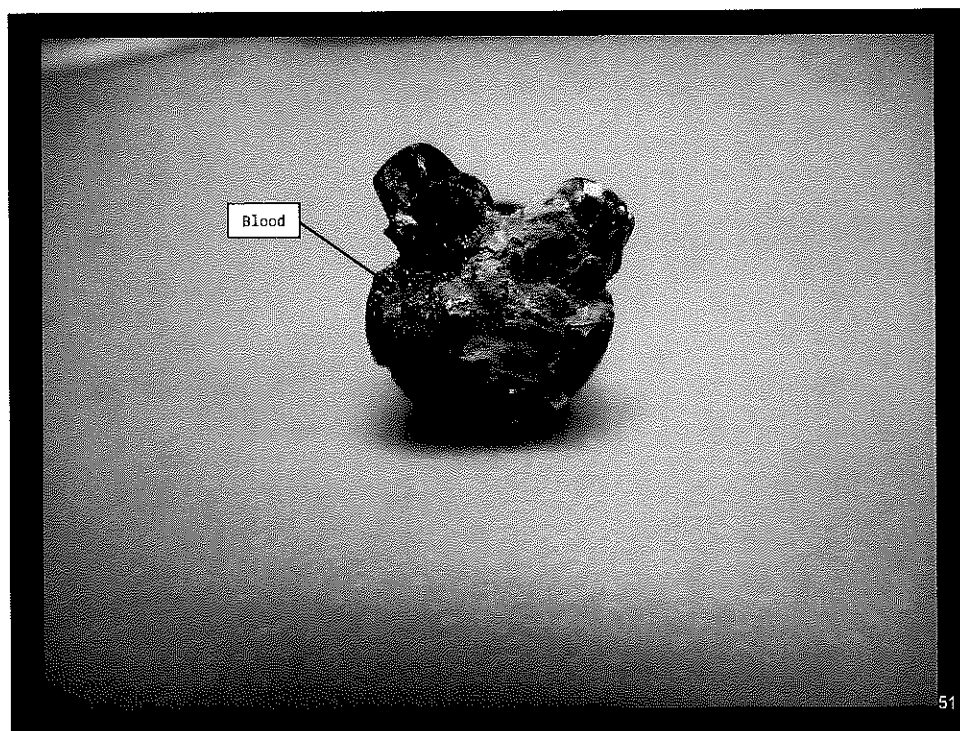
Cropped Image of PDF Copy of Crime Scene Photograph:

These stains were not photographed and collected for analysis. The source remains unknown.



Crime Scene Photograph Andreacchio 012.jpg:

The bullet recovered from the bathtub had a substance embedded in the nose.



Crime Scene Photograph Andreacchio 013.jpg:

One side of the bullet was saturated with blood.



Crime Scene Photograph Andreacchio 015.jpg:

The ejected cartridge case was found inside the bathtub indicating that the pistol action cycled without malfunctioning.

Luminol Examination



I used a variant of a chemical called luminol in a proprietary variant called BlueStar to detect trace amounts of blood in the bathroom. My examination revealed reactions consistent with blood above the bathroom door, on the adjacent wall, and on the ceiling in locations consistent with Andreacchio having suffered the gunshot wound while in a position in the approximate center of the bathroom at a height aligned with the bullet impact near the electrical receptacle. The reactions were photographed. The reactions were consistent with the mist-like spatter commonly associated with gunshot wounds, and although the bathroom had apparently been repainted subsequent to the incident, reactions through paint have been shown to occur. In this case, the reactions were strongest in areas that would have likely not been as thoroughly cleaned as other areas of the bathroom, and the mist-like nature of the spatter would likely have rendered it practically invisible to the unaided eye.

Conclusion

When evaluating an equivocal death case, it is inappropriate to assert a positive outcome: in other words, one must not conclude that a particular outcome occurred to the exclusion of all other possibilities without first eliminating all other possibilities. In this case, the death of Christian Andreacchio could have been the result of either a (1) suicide, (2) homicide, or (3) accident. The latter can be ruled out on the basis of a complete absence of evidence that indicates an accidental manner of death: there is no evidence to support the conclusion that the pistol discharged for any reason other than an intentional pull of the trigger.

The probability that Christian Andreacchio's death was a suicide is remote, for the following reasons: (1) the reported location and position of the pistol is inconsistent with a self-inflicted gunshot wound scenario, but is consistent with having been placed there after Andreacchio's body came to rest; (2) the location of the apparent bullet impact on the wall adjacent to the electrical receptacle does not align with the wound path through Andreacchio's head but instead indicates that his head was facing away from the bathroom mirror when he was shot, a position that is inconsistent with his position of final rest in which his body was facing 90 degrees clockwise from the position he would have been when shot while facing away from the mirror; (3) there is no impact spatter associated with the gunshot wound documented anywhere in or around the bathtub; (4) there is no dripped blood on the floor outside the bathtub; (5) there is impact spatter consistent with Andreacchio's head being above the level of the sink but below a fully standing attitude when he was shot; (6) there is post-mortem lividity that is inconsistent with his position and attitude at final rest; and, (7) the position of the pistol's hammer (uncocked) cannot be explained under any potential suicide scenario apart from supposition that the hammer position was due to some unexplained, uncorroborated mechanical malfunction, which, as a matter of mechanical engineering, is wholly unsupported by the evidence and by the history and design of the firearm. It should be noted that this is not an exhaustive list of reasons

why the probability of suicide is remote.

The position of Christian Andreacchio's body as found across the wall of the bathtub cannot have been achieved by him falling after suffering the gunshot wound. The totality of the physical evidence in this case, including the locations of apparent blood reactions to luminol on the walls and ceiling above and adjacent to the door, the blood spatter on the bathroom wall and above the sink, and the bullet impact by the electrical receptacle (coupled with the complete absence of any bullet impact damage elsewhere in the bathroom, particularly in the bathtub) combine to indicate that the only location in which Andreacchio could have been when he was shot was in the approximate center of the bathroom floor with his back generally facing the sink or toilet. Furthermore, he could not have been fully standing but was, rather, either somewhat crouched, bent over, or kneeling when he was shot. Given the positions and locations of his body and the pistol as found by police, it is clear that Andreacchio's body was moved after he was shot in an apparent attempt to stage the crime scene to appear to have been due to a suicide.

While the gunshot wound in and of itself cannot be ruled inconsistent with a self-inflicted gunshot wound, forensically there is no difference between a gunshot wound that is self-inflicted and one that is inflicted by another with the pistol in the same position relative to the body: the two cannot be distinguished in absence of other physical evidence, in particular blood spatter associated with the gunshot wound on the hand of the victim, a matter about which the documentation in this case is agnostic. However, barring some reasonable, scientifically-supported explanation for the blood spatter in other areas of the bathroom and the uncocked pistol hammer, suicide can be excluded as a possible manner of death.

It should be noted that the scope of this analysis involves only physical evidence; no analysis of the investigative, criminological, or victimological evidence in this case has been undertaken by Knox & Associates, LLC. However, in light of my review of the physical evidence in this case, it is my professional opinion that the death of Christian Andreacchio was the result of a homicide.